

# House File 653 - Introduced

HOUSE FILE \_\_\_\_\_  
BY ALONS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for the payment of litigation expenses related  
2 to legal actions alleging that an agricultural operation is a  
3 nuisance.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1972YH 83  
6 da/nh/24

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1 1 Section 1. NEW SECTION. 657.12 AGRICULTURAL OPERATIONS  
1 2 == NUISANCE ACTIONS == PAYMENT OF LITIGATION EXPENSES.  
1 3 This section applies to an action at law or equity  
1 4 involving a party who complains that an agricultural operation  
1 5 is a nuisance as provided in this section, if the complaint is  
1 6 part of a cause of action or judicial proceeding brought  
1 7 against an adverse party.  
1 8 1. The complaint may be in law or equity, and may be made  
1 9 as part of a claim, counterclaim, cross=claim, petition, or  
1 10 any other pleading filed in district court or appellate court.  
1 11 2. a. The nuisance must be a condition or activity which  
1 12 occurs on land used in connection with an agricultural  
1 13 operation, including the growing, raising, harvesting, drying,  
1 14 or storage of crops or the production, care, feeding, or  
1 15 housing of livestock as defined in section 10.1.  
1 16 b. The nuisance complaint shall be made pursuant to any of  
1 17 the following theories:  
1 18 (1) A private nuisance under this chapter, or under  
1 19 principles of common law, including any cause of action  
1 20 alleging the interference with the comfortable use and  
1 21 enjoyment of life or property.  
1 22 (2) An easement over another person's property which  
1 23 constitutes a permanent physical invasion of another person's  
1 24 property.  
1 25 3. a. A complaining party who fails to prove that the  
1 26 agricultural operation is a nuisance as provided in this  
1 27 section shall pay the adverse party's litigation expenses.  
1 28 b. A complaining party who proves that an agricultural  
1 29 operation is a nuisance, shall pay one percent of the adverse  
1 30 party's litigation expenses for each one percent that the  
1 31 judgment amount is less than the amount sought in the  
1 32 complaint. However, a complaining party is not required to  
1 33 pay the adverse party's litigation expenses if the complaining  
1 34 party is awarded damages of more than ten percent of the  
1 35 amount of damages sought by the complaining party.  
2 1 4. As used in this section, "litigation expenses" includes  
2 2 court costs and reasonable attorney fees, reasonable expert  
2 3 witness fees, and reasonable travel expenses of the adverse  
2 4 party or witnesses, which shall be taxed as part of the costs  
2 5 of the action.

## EXPLANATION

2 7 This bill provides that in a legal action alleging that an  
2 8 agricultural operation is a nuisance, the party making the  
2 9 allegation must pay the adverse party's litigation expenses  
2 10 if: (1) the complaining party fails to prove that the  
2 11 agricultural operation is a nuisance, or (2) the complaining  
2 12 party proves that the agricultural operation is a nuisance but  
2 13 is awarded 10 percent or less of the amount sought. In that  
2 14 case, the complaining party must pay 1 percent of the adverse  
2 15 party's litigation expenses for each 1 percent that the  
2 16 judgment amount is less than the amount sought in the  
2 17 complaint.  
2 18 LSB 1972YH 83  
2 19 da/nh/24.1

